

**CALIFORNIA STATE LANDS COMMISSION**

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April 9, 2014

File Ref: PRC 5893.9

Paul Marshall, Chief  
Bay-Delta Office  
California Department of Water Resources  
1416 Ninth Street  
Sacramento, California 94236-0001

**Subject:** Notice of Proposed Use of State Lands Pursuant to the 1979 Memorandum of Understanding (MOU) between the State Lands Commission (CSLC) and the Department of Water Resources (DWR), 2014 Emergency Delta Drought Barriers Project, Sacramento, Yolo, and Contra Costa Counties

Dear Mr. Marshall:

This letter is in response to the Notice of Proposed Use of State Lands (Notice) submitted by the DWR to the CSLC on April 3, 2014, requesting the proposed 2014 Emergency Delta Drought Barriers Project (Project) in Sutter Slough, Yolo and Sacramento Counties, in Steamboat Slough, Sacramento County, and in West False River, Contra Costa County be qualified under the MOU between DWR and CSLC.

On September 26, 1979, the CSLC approved an MOU, effective October 19, 1979, between DWR and the CSLC providing for the utilization by DWR of State-owned sovereign lands under the jurisdiction of the CSLC for the Central Valley Project and the State Water Resources Development System.

On January 17, 2014, the Governor of the State of California, Edmund G. Brown Jr., issued a Proclamation of a State of Emergency (Proclamation) for the State of California due to current drought conditions. As ordered in the Proclamation:

"16. The Department of Water Resources will take necessary actions to protect water quality and water supply in the Delta, including installation of temporary barriers or temporary water supply connections as needed, and will coordinate with the Department of Fish and Wildlife to minimize impacts to affected aquatic species."

DWR is proposing the Project in response to this Proclamation. As described in the DWR Statement of Purpose and Need, the purpose of the Project is to prevent the intrusion of saltwater into the Delta, which would render the water undrinkable by 25 million Californians and unusable by the farms that are reliant upon this source, as well as to protect habitat for sensitive aquatic species in the Delta. The barriers are intended to specifically benefit:

- Communities and farmers in and adjacent to the Delta that rely exclusively on this source for drinkable water.
- Upstream resources and communities, because once installed, the barriers would reduce demand on reservoir releases to maintain salinity levels in the Delta, leaving more water upstream for both fishery and community needs.
- The State Water Project (SWP) and Central Valley Project (CVP), as they attempt to maintain access to water supplies for human health and safety.

As described in the Notice, DWR proposes to install rock (rip-rap) barrier dike structures at all three sites. All structures would be trapezoid-shaped rock barriers with a wide base tapering up to a 12-foot-wide top width set perpendicular to the channel alignment, and would extend two feet above the spring high tide. Rock fill would be placed along the base of the levees for support at the Sutter Slough and Steamboat Slough sites. The West False River site would have transitions to the levees with 75-foot long sheet pile walls supported by king piles and buttressed with rock. Site plans for each location are included in the Structural Components section of the Biological Assessment and additional design details are included in Appendix A of the document.

The rock barriers would be installed at each of the sites in Spring 2014 (beginning around April 1) and would be removed in November 2014, prior to the rainy season and the period that fall-run Chinook salmon would pass through the Delta. All rock, gravel, and structures would be removed from the EDB sites, with the exception of the sheet pile abutments at the West False River site. The materials would be transported from the area, primarily on barges. Materials would be stored at a nearby DWR storage facility, likely located in Hood, Rio Vista, or the Port of Stockton. If drought conditions persisted, the barriers could be reinstalled and removed in subsequent years during the same timeframes.

Disturbed areas would be restored after initial construction and after EDB structures were removed to meet local land use and resource agency requirements as soon as they are no longer needed. After restoration was completed, the all waterway channel beds would be restored to grade with clean sand.

The proposed Project lies in areas that are subject to the public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters

that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The proposed borings must not restrict or impede the easement right of the public.

A Coast Guard permit is not required for this Project; however, DWR will comply with the "Local Notice to Mariners" (Notice) which is a standard practice required by the Coast Guard. The Notice notifies marinas and all interested parties of the proposed Project. DWR's contractor will post a "no wake" sign at the Project site, and the vessel to be used will have a licensed Captain on board 24 hours a day/seven days a week.

Based on the information provided, staff concluded that the Project qualifies as a project under the MOU. Therefore, a lease from the Commission is not required.

This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

Thank you for providing CLSC the opportunity to comment on this Project as a responsible agency. If you have any further questions, please contact Wendy Hall, Public Land Management Specialist, at (916) 574-0994 or [wendy.hall@slc.ca.gov](mailto:wendy.hall@slc.ca.gov).

Sincerely,



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